

REMARKS

Claims 1-5, 8-19, 22, 25, and 26 are rejected under 35 USC § 102(b) as being anticipated by "Digital Film Mastering" by Huthier et al. Claims 6, 7, 20, 21, 23, 24, and 27 are rejected under 35 USC § 103(a) as being unpatentable over Huthier et al.

Claims 1 and 18 have been amended to include the important advantage cited on page 8, lines 28-33, namely, that multiple processing command sets ("processing files" in claims 1 and 18) may be developed for a particular imagery product in order to produce differing visual "looks" as are desired to accommodate differing audience/customer sensibilities. The Huthier et al. reference fails to disclose or suggest any such capability.

Moreover, while claims 8-9 and 22-27 remain unamended, there is nothing in Huthier et al. that describes or suggest the use of a single file format for the digital data file for containing the source data for the processing files, where the digital data file contains both image data and the processing file data. The observation by the Examiner that Huthier et al. teaches a file format including an image element (film data) and a processing element (format converter) would seem to be counterintuitive since the file format (a data structure) would not include a hardware element (format converter). The closest thing to a file format in Huthier et al. would appear to be the DPX format (page 860, third column, and Figure 3). However, the mere possibility that the DPX data format in Figure 3 of Huthier et al. could obtain such a combination is a hindsight application of the invention's teaching. Huthier et al. is silent as to such a combination.

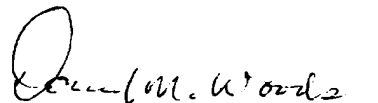
Claims 28 and 29 were submitted as new claims in the previous amendment dated 03 March 2003, yet they were not mentioned or rejected in the subsequent Office Action dated March 17, 2003. Although no basis for rejection has been provided, we note that both claims have features not to be found or suggested by Huthier et al. For instance, Huthier et al. is silent as to calibration of a telecine (claim 28) and as to the provision of a derivative dataset from which the particular imagery product is generated (claim 29).

It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.* 231USPQ 81, 90 (Fed. Cir. 1986). Anticipation under 35 U.S.C.

Antibodies, Inc. 231USPQ 81, 90 (Fed. Cir. 1986). Anticipation under 35 U.S.C. Section 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Rockwell International Corp. v. United States* 47USPQ2d 1027, 1031 (Fed Cir. 1998). The foregoing remarks indicate that each of the remaining claims includes one or more claimed elements that are not to be found or suggested by the Huther et al reference. For anticipation to be found, all of the claimed elements must be found in Huther et al. Since that is not the case with respect to each and every one of the amended claims 1 – 10, and 18 – 21, and the new claims 28 and 29 from the previous amendment, the Examiner is respectfully asked to withdraw the rejection of these claims under 35 U.S.C. 102(b) and to consider allowance of the remaining claims.

Finally, while certain of the claims were rejected under 35 U.S.C. §103(a) as being unpatentable over Huther et al. these were all dependent claims that would be allowable based upon their parent claims.

Respectfully submitted,



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